

MONTANA LEGISLATIVE HISTORY

Chapter 476 1997

Bill H 123 S _____

Original bill & history ✓ c

H. Committee on State Admin.

S. Committee on State Admin.

Hearing Date(s) _____ c

1/14 ✓ c

_____ c

_____ c

Date Out

4/5 ✓ c

Hearing Date(s) _____ c

1/31 ✓ c

_____ c

_____ c

2/5 ✓ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

HB 123 INTRODUCED BY SIMPKINS LC0410 DRAFTER: HEFFELFINGER

PROVIDE FOR A CAPITOL COMPLEX MASTER PLAN ACT
BY REQUEST OF DEPARTMENT OF ADMINISTRATION

12/30	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO STATE ADMINISTRATION		
1/14	HEARING		
1/16	COMMITTEE REPORT—BILL PASSED		
1/20	2ND READING PASSED	82	15
1/21	3RD READING PASSED	87	12
	TRANSMITTED TO SENATE		
1/22	FIRST READING		
1/22	REFERRED TO STATE ADMINISTRATION		
1/31	HEARING		
2/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/03	2ND READING CONCURRED	49	0
3/04	3RD READING CONCURRED	45	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/16	2ND READING AMENDMENTS CONCURRED	94	4
4/16	3RD READING CONCURRED AS AMENDED	80	19
4/20	SIGNED BY SPEAKER		
4/25	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 476		
	EFFECTIVE DATE: 10/01/97		

HB 124 INTRODUCED BY KITZENBERG LC0450 DRAFTER: HEFFELFINGER

REQUIRE STATE PUBLIC CONSTRUCTION CONTRACTS, PLANS, AND
SPECIFICATIONS USING METRIC UNITS TO ALSO PROVIDE ENGLISH
UNITS

12/30	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO TRANSPORTATION		
1/13	FISCAL NOTE RECEIVED		
1/13	FISCAL NOTE PRINTED		
1/24	HEARING		
2/03	TABLED IN COMMITTEE		
2/27	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL DIED IN COMMITTEE		

HB 125 INTRODUCED BY GRADY LC0414 DRAFTER: MACMASTER

REVISE AND CLARIFY INTERMEDIATE SENTENCING OPTIONS
BY REQUEST OF DEPARTMENT OF CORRECTIONS

12/30	INTRODUCED		
1/03	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/07	REFERRED TO CORRECTIONS SELECT COMMITTEE		
1/20	FISCAL NOTE RECEIVED		
1/22	HEARING		
1/22	FISCAL NOTE PRINTED		
3/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/12	2ND READING PASSED	85	15
3/13	3RD READING PASSED	88	12

HOUSE BILL NO. 123

INTRODUCED BY SIMPKINS

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CAPITOL COMPLEX MASTER PLAN ACT; CREATING A CAPITOL COMPLEX ADVISORY COUNCIL; SPECIFYING THE ADVISORY COUNCIL'S DUTIES; REQUIRING LEGISLATIVE APPROVAL FOR NAMING CERTAIN BUILDINGS AND ESTABLISHING CERTAIN PERMANENT DISPLAYS; REQUIRING THE DEPARTMENTS OF ADMINISTRATION AND FISH, WILDLIFE, AND PARKS TO MAINTAIN INVENTORIES OF IMPROVEMENTS; AND AMENDING SECTION 5-11-115, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 7] may be cited as the "Capitol Complex Master Plan Act".

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 7], the following definitions apply:

(1) "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius of the capitol building.

(2) "Council" means the capitol complex advisory council established in [section 3].

(3) "Legislative council" means the legislative council established in 5-11-101.

NEW SECTION. Section 3. Capitol complex advisory council established -- membership -- staff services -- compensation. (1) There is a capitol complex advisory council.

(2) The council consists of nine members as follows:

(a) two members of the house of representatives appointed by the speaker on a bipartisan basis;

(b) two members of the senate appointed by the committee on committees on a bipartisan basis;

(c) a public representative appointed by the governor; and

(d) the director or the director's designee of each of the following agencies:

(i) the Montana historical society established in 22-3-101;

(ii) the Montana arts council established in 2-15-1513;

(iii) the department of administration established in 2-15-1001; and

(iv) the department of fish, wildlife, and parks established 2-15-3401.

(3) The council shall select a presiding officer, who may call meetings to conduct council business.

The departments of administration and fish, wildlife, and parks shall provide staff services to the council.

(4) (a) The council member appointed under subsection (2)(c) is entitled to compensation not to exceed \$25 for each day in which the member is actually and necessarily engaged in performing council duties and to travel expense reimbursement as provided in 2-18-501 through 2-18-503.

(b) A council member designated under subsection (2)(d) is not entitled to compensation for services as a member of the council.

(c) A council member appointed under subsections (2)(a) or (2)(b) is entitled to compensation and expenses as provided in 5-2-302.

NEW SECTION. Section 4. Council duties and responsibilities. (1) The council shall:

(a) review proposals for permanent displays or the naming of state buildings in the capitol complex;

(b) advise the legislature on the placement of busts, statues, memorials, monuments, or art displays of a permanent nature within public areas of the capitol complex, including the executive residence and the original governor's mansion;

(c) advise the department of administration on interior decoration of the capitol; and

(d) advise the department of fish, wildlife, and parks on grounds maintenance and grounds displays.

(2) In advising the legislature on permanent displays, the council shall consider whether the bust, statue, memorial, monument, or art display:

(a) reasonably fits the master plan for the capitol and adjacent grounds developed under 5-11-115;

(b) adversely alters the appearance of the capitol or other capitol complex buildings;

(c) unreasonably affects foot traffic on the capitol complex;

(d) adversely impacts existing maintenance programs or the utility infrastructure;

(e) recognizes a person or event of statewide significance and relevance;

(f) has artistic merit in its design and construction;

(g) will be safely and aesthetically suited to its installation site; and

(h) has adequate funding for design, installation, and maintenance.

(3) By November 15 of each year preceding a legislative session, the council shall report to the legislature on requests that it has reviewed for naming buildings and for permanently placing items in the capitol or on the capitol complex grounds. The report must include a recommendation to the legislature on whether reviewed requests meet the criteria established by this section. If a request meets the criteria, the council shall recommend a timeframe during which the project should be authorized.

NEW SECTION. Section 5. Approval for displays and naming buildings. (1) A state building in the capitol complex may not be named after an individual, and a bust, statue, memorial, monument, or art display may not be permanently displayed in the capitol or on the capitol complex grounds unless the building name or display is approved by the legislature and complies with this section.

(2) A state building in the capitol complex may not be named after an individual unless the individual has been deceased for at least 5 years.

(3) All busts, statues, memorials, monuments, or art displays authorized, but not installed within 5 years of authorization, must be reauthorized.

NEW SECTION. Section 6. Department of administration to establish policies on capitol. The department of administration, with the advice of the council, shall establish policies governing maintenance and beautification of the capitol, executive residence, and original governor's mansion. The policies must provide that all historic furnishings original to the capitol remain in the building if an agency relocates and may designate appropriate wall, floor, and window coverings for the capitol. The Montana Administrative Procedures Act does not apply to [sections 1 through 7].

NEW SECTION. Section 7. Inventory of improvements. (1) The department of fish, wildlife, and parks shall maintain an inventory of commemorative displays, statues, artwork, plaques, and other improvements upon the grounds of the capitol complex, including the executive residence and original governor's mansion.

(2) The department of administration shall maintain an inventory of commemorative displays, statues, artwork, plaques, and other improvements in the capitol.

(3) Both departments shall make their inventories available to the council.

Section 8. Section 5-11-115, MCA, is amended to read:

"5-11-115. Function of department of administration -- capitol area master plan -- advice of capitol complex advisory council and legislative council. (1) ~~The~~ With advice from the council, the department departments of administration and fish, wildlife, and parks shall establish and maintain a long-range master plan for the orderly development of state buildings in the immediate area of the capital city. The long-range master plan must be developed and maintained, with consideration given to the following factors:

(a) the needs of the state relative to the location and design of buildings to be constructed, purchase of land, parking facilities, traffic management, and landscaping;

(b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis and Clark County, based, without limitation, upon zoning regulations, population trends, and plans for rapid transit development; and

(c) any other factors that bear upon the orderly, integrated, and cooperative development of the state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital city.

(2) The legislative council shall consult with and advise the department of administration concerning the assignment of space in the capitol.

~~(3) The legislative council shall consult with and advise the Montana historical society on the placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the capitol building. An item may not be permanently displayed unless approved by the legislature.~~

~~(4)~~ The Montana historical society shall protect and preserve the permanent artwork in the capitol building and request funding for periodic inspection, maintenance, and repair of the artwork from the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic projects.

~~(5)~~ (4) The legislative council shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol."

NEW SECTION. Section 9. Codification instruction. (1) [Sections 1 through 7] are intended to be codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to

1 [sections 1 through 7].

2 (2) Sections 2-17-109, 2-17-111, 2-17-113, 2-17-131, 5-11-115, and 5-11-116 are intended to
3 be renumbered and codified as an integral part of [sections 1 through 7].

4 -END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT DENNY**, on January 14, 1997, at 9:00 a.m., in 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Antoinette R. Hagener, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Haley Beaudry (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)
Rep. Bill Whitehead (D)

Members Excused: Rep. Sam Kitzenberg

Members Absent: None

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 72 (1/9/97); HB 91
(1/9/97); HB 123 (1/9/97)
Executive Action: HB 75, HB 34

HEARING ON 72

Sponsor: REP. JOE QUILICI, H.D. 36, introduced the bill.
{Tape: 1; Side: A; Approx. Time Count: 1.1; Comments: None.}

Proponents:

Robert Pavlovich, H.D. 37.
{Tape: 1; Side: A; Approx. Time Count: 2.9; Comments: None.}

Dave D. Walker, public citizen.

{Tape: 1; Side: A; Approx. Time Count: 4.9; Comments: None.}

Matthew Cohn, Department of Commerce.

{Tape: 1; Side: A; Approx. Time Count: 6.6; Comments: None.}

Opponents: None

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 7.8 through 10.4;
Comments: None.}

Closing by Sponsor: REP. QUILICI closes.

{Tape: 1; Side: A; Approx. Time Count: 10.5; Comments: None.}

HEARING ON HB 91

Sponsor: REP. WILLIAM R. WISEMAN, H.D. 41, introduced the bill.

{Tape: 1; Side: A; Approx. Time Count: 12.7; Comments: None.}

Proponents:

Pat Clinch, Montana State Council For Professional Firefighters.

{Tape: 1; Side: A; Approx. Time Count: 20.9; Comments: None.}

Opponents: None

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 21.7 through 23.9;
Comments: None.}

Closing by Sponsor: REP. WISEMAN closes.

{Tape: 1; Side: A; Approx. Time Count: 24.7; Comments: None.}

HEARING ON HB 123

Sponsor: REP. DICK SIMPKINS, H.D. 49, introduced the bill.

{Tape: 1; Side: A; Approx. Time Count: 25.6; Comments: None.}

Proponents:

Debra Fulton, Administrator General Services Division,
representing the Department of Administration, EXHIBIT 2.

{Tape: 1; Side: B; Approx. Time Count: 1.8; Comments: None.}

Arnie Olsen, Administrator State Parks Division, representing the
Department of Fish, Wildlife, and Parks, EXHIBIT 3/ EXHIBIT 4.

{Tape: 1; Side: B; Approx. Time Count: 9.1; Comments: None.}

Brian Cockhill, Director, Montana Historical Society.

{Tape: 1; Side: B; Approx. Time Count: 12.9; Comments: None.}

Opponents: None

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 16.7 through 27; Comments: None.}

Closing by Sponsor: REP. SIMPKINS closes.

{Tape: 2; Side: A; Approx. Time Count: 0.2; Comments: None.}

EXECUTIVE ACTION ON 75

Motion: REP. HAGENER MOVED DO PASS ON HB 75.

{Tape: 2; Side: A; Approx. Time Count: 2.9; Comments: None.}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 3 through 4.2; Comments: None.}

Vote: Motion carried 16-0.

{Tape: 2; Side: A; Approx. Time Count: 4.3; Comments: None.}

EXECUTIVE ACTION ON 34

Motion: REP. HEAVY RUNNER MOVED DO PASS ON HB 34.

{Tape: 2; Side: A; Approx. Time Count: 5.8; Comments: None.}

Amendments: EXHIBIT 5

{Tape: 2; Side: A; Approx. Time Count: 7.1; Comments: Amendments were supplied for reference but there was no motion.}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 6; Comments: None.}

Motion/Vote: REP. REHBEIN MOVED to TABLE HB 34/ Motion carried 16-0.

{Tape: 2; Side: B; Approx. Time Count: 16.9; Comments: None.}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT DENNY**, on January 15, 1997, at 9:00 a.m., in room 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Antoinette R. Hagener, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Haley Beaudry (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Sam Kitzenberg (R)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)
Rep. Bill Whitehead (D)

Members Excused: None

Members Absent: None

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 106, HB 85, HB 36; (1/9/97)
Executive Action: HB 123, HB 72, HB 19

HEARING ON HB 36

Sponsor: REP. DAVID EWER, H.D. 53.

{Tape: 1; Side: a; Approx. Time Count: .6 through 2.3; Comments:
.6 through 1.6 is blank as microphone battery ran dead.}

Proponents:

Carroll South, Executive Director, Board of Investments,
Department of Commerce, EXHIBIT 1.

{Tape: 1; Side: a; Approx. Time Count: 2.6; Comments: None.}

Robert Throssell, Montana Association of Clerks and Recorders.
{Tape: 1; Side: b; Approx. Time Count: 16.7; Comments: None.}

Opponents: None.

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 19.4 through end of tape;
Comments: None.}

{Tape: 2; Side: a; Approx. Time Count: .1 through 18.3; Comments:
None.}

Closing by Sponsor: REP. HARPER closes.

{Tape: 2; Side: a; Approx. Time Count: 18.3; Comments: None.}

EXECUTIVE ACTION ON HB 123

Motion: REP. REHBEIN MOVED DO PASS ON HB 123.

{Tape: 2; Side: a; Approx. Time Count: 21.5; Comments: None.}

Discussion:

{Tape: 2; Side: a; Approx. Time Count: 22; Comments: None.}

Vote: Motion carried 16-0.

{Tape: 2; Side: a; Approx. Time Count: 28; Comments: None.}

EXECUTIVE ACTION ON HB 72

Motion: REP. HAGENER MOVED DO PASS ON HB 72.

{Tape: 2; Side: a; Approx. Time Count: 28.7; Comments: None.}

Discussion:

{Tape: 2; Side: a; Approx. Time Count: 28.7 through 30.4;
Comments: None.}

Amendments: REP. MILLS MOVED TO AMEND HB 72, EXHIBIT 2.

{Tape: 2; Side: a; Approx. Time Count: 30.4; Comments: None.}

Motion/Vote: REP. MILLS MOVED TO DO PASS AS AMENDED/ Motion
carried 16-0.

{Tape: 2; Side: b; Approx. Time Count: .9; Comments: None.}

EXECUTIVE ACTION ON HB 19

Amendments: REP. BRAINARD MOVED TO AMEND HB 19, EXHIBIT 3.

{Tape: 2; Side: b; Approx. Time Count: 2.3; Comments: None.}

Motion: REP. HAGENER MOVED DO PASS OF HB 13.

{Tape: 2; Side: b; Approx. Time Count: 2.1; Comments: None.}

Discussion:

{Tape: 2; Side: b; Approx. Time Count: 2.4 through 16.9;
Comments: Executive Action on HB 19 was postponed for further
information from the staff.}

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN DON HARGROVE, on January 31, 1997, at
10:02 a.m., in Room 331

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Delwyn Gage (R)
Sen. Fred Thomas (R)
Sen. Bill Wilson (D)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Mary Morris, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SR 3, 1/28/97; HB 123, 1/28/97
Executive Action: None

HEARING ON SR 3

Sponsor: CHAIRMAN DON HARGROVE, SD 16, BELGRADE

Proponents: David Owen, Executive Director, Montana Chamber of
Commerce

Opponents: None

Opening Statement by Sponsor:

CHAIRMAN DON HARGROVE, SD 16, Belgrade, welcomed Dr. Peter Blouke, Director, Montana Department of Commerce, gave a brief introduction, and outlined the procedure for this confirmation hearing. He then offered Dr. Blouke an opportunity to present a statement to the Committee.

Dr. Peter Blouke, Director, Montana Department of Commerce, stated that he thinks it is a valuable and legitimate opportunity

if the Legislature tried to micromanage the agency, that it is contrary to the process, as he sees it.

Proponents' Testimony:

David Owen, Executive Director, Montana Chamber of Commerce, stated that he had a chance to get to know and work with Dr. Blouke in his previous position, and was excited to hear Dr. Blouke was willing to assume this position. He indicated that, in his four years with the Montana Chamber of Commerce, they have not had much of a relationship with the Department of Commerce, but he and Dr. Blouke have talked about what can be done in terms of economic development, and that he is looking forward to working with him. He noted that he thinks the private sector is excited about the capacities Dr. Blouke brings to this position, and he is looking forward to re-energizing that connection.

Opponents' Testimony: None

Closing:

Dr. Blouke had no closing statement.

{Tape: 1; Side: B; Approx. Time: 11:01 a.m.; Comments: None.}

HEARING ON HB 123

Sponsor: REP. RICHARD SIMPKINS, HD 49, GREAT FALLS

Proponents: Debra Fulton, Administrator, General Services Division, Department of Administration
Paul Sihler, Department of Fish, Wildlife and Parks
Brian Cockhill, Director, Montana Historical Society

Opponents: None

Opening Statement by Sponsor:

REP. RICHARD SIMPKINS, HD 49, GREAT FALLS, reported that, although the Department of Administration and the Department of Fish, Wildlife and Parks have done an excellent job, often, buildings are named and memorials placed on the Capitol grounds on an emotional level. He indicated that, last session, it was discovered that there are no policies or standards regarding placement of plaques and memorials, and naming of buildings within the Capitol Complex, and that he asked the Department of Administration to put together a proposal to establish some type of procedure for putting items on the Capitol grounds or within buildings, and for naming of buildings. He pointed out that the only cost of this bill would come as a result of Legislators being on the committee, that line 26 on page 1 of the bill indicates the committee will be comprised of two members from the

House and two members from the Senate, plus one member of the general public to be appointed by the Governor, along with the Directors of the Department of Administration and the Department of Fish, Wildlife and Parks, the Montana Historical Society and the Montana Arts Council. He indicated that he anticipates the committee would meet only once a year to prepare their recommendations to the Legislature.

REP. SIMPKINS then pointed out that another provision in the bill would require that a building not be named after a person who has been deceased less than five years, noting that this would take the emotion out of the process, and cited an example that occurred in Great Falls with a proposal to name a building after a wrestler who died on the mat. He added that this provision would allow an emotional situation to calm down in order to be addressed in the proper manner.

Proponents' Testimony:

Debra Fulton, Administrator, General Services Division, Department of Administration, read testimony which is attached as (EXHIBIT 1).

Ms. Fulton added that another part of the bill, which is important to the Department of Administration, is that this committee will advise the Department regarding interior decoration in the Capitol Building. She explained that it is her responsibility to maintain this building, but that she has very little authority over some of the agencies which occupy the building. She indicated that, although it has not occurred to date, the time may come when a Governor or other occupants of the building do not have good taste in their choices of color and interior design, and it would help to have guidelines as to color, trim, signage, and those kinds of things, in order to make the building feel more cohesive than it currently does. She added that this is the goal of the Capitol Restoration Commission and the Capitol Restoration Project, and it would be very helpful to have some advice in that area.

She stated that she agrees with **REP. SIMPKINS** that this would cut down on some of the emotional requests they receive.

Paul Sihler, Department of Fish, Wildlife and Parks, read written testimony attached as (EXHIBIT 2). He distributed copies of an inventory of all the structures on the Capitol Complex attached as (EXHIBIT 3).

Brian Cockhill, Director, Montana Historical Society, stated that the building their agency occupies is a good illustration of the need for this bill, explaining that it is the single most popular place in the Capitol Complex for placement of memorial items, and that the Department of Fish, Wildlife and Parks inventory will point out that some excess is beginning to happen. He indicated that he thinks there does need to be some kind of process to

evaluate the overall impact this kind of unchecked enthusiasm will have on the grounds as the years go by, noting that he is not questioning anything that has happened on the Historical Society grounds, that he questions how that has been done, and whether it was appropriate and in the best interests of the Complex.

He stated that he also supports this bill because of its more focused concern for the interior of the Capitol, which is going to be restored, that he thinks it is important to retain the best in this building, and it would be a very good thing for the State to be able, through the Legislature and this advisory council, to control, for the long term, how this building looks for our citizens and visitors.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. GAGE referred to Section 6, page 3 of the bill, and asked either REP. SIMPKINS or Mr. Niss to explain why the Montana Administrative Procedures Act does not apply to Sections 1 through 7.

REP. SIMPKINS responded that it would be rulemaking. Mr. Niss indicated it is probably because they did not want to be bound through the rulemaking process.

REP. SIMPKINS reiterated that they did not want it to go through the rulemaking process. Mr. Niss agreed that, without the exemption in Section 6, policies adopted by the authority of this legislation would have to go through the rulemaking process.

SEN. GAGE asked Ms. Fulton if she would like to respond to this.

Ms. Fulton stated that the Department did not want to have to go through the rulemaking notice and hearings in order to implement recommendations of the committee.

SEN. GAGE referred to lines 29-30 on page 3 of the bill, and asked Ms. Fulton if there was any need to include other buildings in this requirement.

Ms. Fulton responded that, in other buildings which are not historical in nature, the department directors have authority to designate whether or not a plaque is placed in the building, adding that there is not a problem with those.

SEN. GAGE indicated that he was referring to the inventory. Ms. Fulton responded that she did not think it was necessary.

SEN. GAGE referred to lines 7 and 8 on page 2 of the bill, which sets out that the public member of the committee will receive \$25, and pointed out that members of the Legislature get

legislative pay. He asked if public members are considered second-class citizens, and if that is true with public members throughout statute.

REP. SIMPKINS stated that this is the case on many of the committees, that public members receive \$25, but he pointed out that they do also receive mileage and lodging.

SEN. GAGE asked REP. SIMPKINS if he would have any objections if subsection (4) were eliminated, and part (c) were amended to say that council members appointed under subsection (2)(a), (b) and (c) are entitled to compensation of expenses provided in 5-2-302.

REP. SIMPKINS stated he would have no objections. SEN. GAGE noted that he was not sure if 5-2-302 applied only to legislative members. REP. SIMPKINS reiterated that he has no objections, noting that most of those members will be in Helena, anyway, and he does not anticipate any great costs to be involved. He indicated that he would expect the members to communicate by mail, and then meet to make their final recommendations in the form of a study or report to the Legislature.

REP. SIMPKINS then pointed out that the references to inventory in the bill refer only to the Capitol building, not any other buildings in the Capitol Complex.

{Tape: 1; Side: B; Approx. Time: 11:20 a.m.; Comments: End of Tape 1, Side B.}

SEN. GAGE noted that it has always bothered him that Legislators think that their time is more valuable than that of public members, and he would like to see the Legislature start changing that.

CHAIRMAN HARGROVE interjected that the Committee will look at that before taking executive action on the bill, noting that some members are not compensated.

Mr. Cockhill indicated that he would like to respond on the question of inventory, and reported that their museum program does inventory on most of the artwork on the Capitol Complex. He noted that this does not extend to buildings such as the Department of Transportation on the other side of the highway, but that there is some fairly valuable artwork in other buildings in the Capitol Complex, that he was not sure how this should be addressed but, in terms of protecting an asset, it may be something that should be addressed.

He stated that their department is doing the inventory now because they are charged with making sure those pieces of art are conserved, and indicated that statute requires new construction include a percentage for art, that any new buildings approved by the Legislature in the future will have art in them, which is an asset with the potential to increase in value as time goes by.

He noted that a lot of art work placed in this building in the past has disappeared in the transition of offices.

SEN. THOMAS asked **Ms. Fulton** if, with this legislation, the Department of Administration will have the authority to approve the changes that are made.

Ms. Fulton noted that the committee's work is advisory, and responded that is correct, that the Department would have the authority to approve the changes.

Closing by Sponsor:

REP. SIMPKINS indicated that if the bill is modified to say that the Department of Administration has responsibility of the Capitol Building, he would suggest that the art work remain in the hands of the Historical Society, noting that he would appreciate any amendments which make this better.

CHAIRMAN HARGROVE asked **Mr. Niss** to research the compensation of committee members.

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN DON HARGROVE, on February 5, 1997, at 10:00 a.m., in Room 331.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Delwyn Gage (R)
Sen. Fred Thomas (R)
Sen. Bill Wilson (D)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Mary Morris, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SR 7, SJR 3, HB 76,
HB 182; 2/1/97
Executive Action: HB 123 BCIAA

HEARING ON SJR 3

Sponsor: SEN. MACK COLE, SD 4, Hysham

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SEN. MACK COLE, SD 4, Hysham, said SJR 3 was brought at the request of the American Legislative Executive Council and requested Congress to propose an amendment to the U.S. Constitution to clarify that federal courts can not require a state or political subdivision of a state to levy or increase a tax. It also encouraged other states to support the same amendment. He said he had more information, if anyone was interested.

be made but it couldn't effectively be done. He said some counties could make the change quickly while others couldn't; however, with technology, etc., that could change also. He stated they avoided as much as possible putting that into law to allow for flexibility.

SEN. GAGE referred to Page 6, Line 2, and thought "placed" should be dropped. He said he talked to **Mr. Niss** who said it could be done without a formal amendment; that way it wouldn't have to return to the House.

Closing by Sponsor:

REP. GAY ANN MASOLO said she believed election was very important so she urged the Committee to vote BE CONCURRED IN.

{Tape: 2; Side: A; Approx. Time: 11:34 a.m.; Comments: None.}

EXECUTIVE ACTION ON HB 123

Amendments: **CHAIRMAN HARGROVE** asked if the Committee had gotten the information it needed on the Capitol complex. **Mr. Niss** explained Amendments hb012301.adn (**EXHIBIT 4**). He said he had spoken with Debbie Fulton and Administration had no objection with the first amendment but had concerns with the other two. He said in #2, she wanted to stay out of the rulemaking process so he asked her what they did if someone illegally placed a statue on the Capitol lawn. Ms. Fulton replied they just took it out; it had never gotten to the point where the material placed on the grounds was such a violation of public order that they wanted to anything other than remove it. She told him there was a specific criminal statute against the desecration of the Capitol building; therefore, there were a couple of criminal methods through which to take care of it.

Mr. Niss said concerning the inventory, the duties between the Department of Fish, Wildlife & Parks and Department of Administration (Section 7, Page 3) were split. Fish, Wildlife & Parks had the duty to conduct the inventory on the grounds of the Capitol and Administration had the duty to conduct the inventory within the Capitol building. The purpose of that, according to Debbie Fulton, was the Department of Administration wanted to bring the issues of displays, decorations, monuments and plaques to the attention of this Committee because having them placed inside the Capitol building was a bigger problem than displays on the ground or inside other state buildings in the Capitol complex. **Mr. Niss** said he informed her Page 3, Line 27, authorized only the inventory on the grounds within the Capitol complex, while Page 3, Lines 29-30, only required the inventory within the Capitol building. Debbie Fulton said that wasn't a problem because about the only place the public wanted to place something was within the Capitol building itself.

SEN. GAGE said someone had commented there were valuable things in other buildings which have disappeared. He felt that ought to concern them but he wasn't sure the bill would aid in preventing that from happening; however, perhaps it would help in determining when or where they were located.

Mr. Niss said material within other buildings outside the Capitol hadn't been a problem and that was why there was this gap in the bill between Subsections (1) and (2) of this section for inventory of materials within other buildings outside the Capitol and not on the grounds itself. He reiterated how Debbie Fulton was not that concerned about that.

SEN. BROOKE asked if it would be better to delete "including" in Line 27 and just list "the grounds of the Capitol complex, executive residence and the original Governor's mansion". She suggested the way it was broken up, it didn't seem to need "including". **Mr. Niss** said she was correct in that the application of the definition on Page 1 made the "including" superfluous but he supposed the reason for it was to be a reminder.

SEN. BROOKE asked if "Capitol building" could be used on Line 30 so it was defined, rather than "Capitol complex." **Mr. Niss** said "tol" meant the building, but he didn't know if it was necessary.

SEN. GAGE said he didn't have a preference; he just wanted to make sure they were discussed.

CHAIRMAN HARGROVE asked if anyone wanted to offer an amendment.

SEN. BROOKE said she would like to include "building" at the end of the sentence on Line 30, even though "tol" meant building.

SEN. GAGE said he wanted to replace \$25 with language which would make it the same as compensation for legislators.

Motion/Vote: **SEN. BROOKE MOVED DO PASS ON HER AMENDMENT. Motion CARRIED UNANIMOUSLY 6-0.**

Motion/Vote: **SEN. GAGE MOVED DO PASS ON HIS AMENDMENT. Motion CARRIED UNANIMOUSLY 6-0.**

Motion/Vote: **SEN. THOMAS MOVED HB 123 AS AMENDED BE CONCURRED IN. Motion CARRIED UNANIMOUSLY 6-0.**